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8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

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11 DAVID L. ROBINSON, JR, an individual;  
12 DENNIA ROBINSON, individually and as  
executor/administrator of THE ESTATE OF  
13 DAVID L. ROBINSON

14 Plaintiffs,

15 vs.

16 NORTH LAS VEGAS POLICE  
DEPARTMENT, a political subdivision of the  
17 State of Nevada; CHIEF CHRONISTER,  
individually and as policy maker of the North  
18 Las Vegas Police Department; OFFICER  
RAYMOND LOPEZ, individually; and DOE  
19 OFFICERS 1 through 10, inclusive,

20 Defendants.

CASE NO. 2:14-CV-1912-JCM-VCF

**STIPULATION AND ORDER TO STAY  
DISCOVERY PENDING THE OUTCOME  
OF MEDIATION**

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22 Plaintiffs DAVID L. ROBINSON, individually, and DENNIA ROBINSON, individually  
23 and as executor/administrator of THE ESTATE OF DAVID L. ROBINSON (“Plaintiffs”) and  
24 Defendants NORTH LAS VEGAS POLICE DEPARTMENT, CHIEF CHRONISTER, and  
25 OFFICER RAYMOND LOPEZ (“Defendants”), by and through their respective attorneys of  
26 record, hereby agree as follows:

27 On October 24, 2014, Plaintiffs brought suit against Defendants in the Nevada District  
28 Court for Clark County Nevada for alleged violations of 42 U.S.C. § 1983, Case No. A-14-

1 708972-C. In the Complaint, Plaintiffs allege that the decedent, David L. Robinson, was killed by  
 2 Defendant Officer Raymond Lopez on March 10, 2014, in Clark County, Nevada. Defendants  
 3 thereafter removed the matter to Federal Court. The parties have conducted preliminary  
 4 discovery, including the exchange of documents pursuant to FRCP 26 and the issuance of and  
 5 response to written discovery. Prior to expending potentially unnecessary resources in continued  
 6 discovery, the parties wish to bring the matter before a mediator to see if the parties can come to a  
 7 mutually agreeable settlement.

8 A district court has “wide discretion in controlling discovery,” and its decision will not be  
 9 overturned absent a clear abuse of discretion. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir.  
 10 1988). A stay of discovery “furthers the goal of efficiency for the court and litigants.” *Id.*, at 685.  
 11 A brief stay to allow the parties to privately mediate the matter will preserve the status quo and  
 12 minimize the expense of the parties’ resources and those of the Court until such mediation can be  
 13 concluded. *Mediterranean Enterprises, Inc. v. Ssangyong Corp.*, 708 F.2d 1458, 1465 (9<sup>th</sup> Cir.  
 14 1983). Additionally, it will prevent the risk of the court needlessly expending its energies to  
 15 further manage the case when the case may well settle as a result of the parties’ own accord at the  
 16 upcoming mediation. *Sommers v. Cuddy*, 2013 U.S. Dist. LEXIS 12430 (D.Nev. 2013).

17 As such, the parties stipulate as follows:

18 1. That the Federal Court action be stayed for ninety (90) days or until the parties  
 19 have completed private mediation.

20 2. The stay shall include all current deadlines, including discovery deadlines. Any  
 21 outstanding discovery deadlines shall be stayed as indicated above.

22 3. Within 30 days after completion of mediation or the expiration of the 90 day stay,  
 23 the parties will (1) submit a Stipulation and Order reflecting resolution of some or all of the claims  
 24 and/or (2) reconvene pursuant to LR 26-1 to prepare and submit an updated Discovery Plan and  
 25 Scheduling Order.

26 4. If the parties have not completed mediation prior to the expiration of the ninety day  
 27 stay but still wish to complete mediation under a stay of discovery, the parties shall submit a Joint  
 28 Status Report and/or Stipulation to the Court, advising the Court why mediation was not

1 completed and seeking approval of an appropriate extension of the stay. It will be within the  
2 Court's sole discretion to rule on any Stipulation for continued stay.

3  
4 DATED this 13<sup>th</sup> day of May, 2016.

DATED this 13<sup>th</sup> day of May, 2016.

5 LEWIS BRISBOIS BISGAARD & SMITH

LADAH LAW FIRM

6  
7 */s/ Gregory S. Bean*

*/s/ Anthony L. Ashby*

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15 **ORDER**

16 IT IS SO ORDERED.

17 Dated this 16th day of May, 2016.

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23 U.S. MAGISTRATE JUDGE